

1 MELINDA HAAG (CABN 132612)
United States Attorney

2 MIRANDA KANE (CABN 150630)
3 Chief, Criminal Division

4 RANDY S. LUSKEY (CABN 240915)
5 Assistant United States Attorney

6 450 Golden Gate Ave., Box 36055
7 San Francisco, California 94102
Telephone: (415) 436-7200
Fax: (415) 436-7234
E-Mail: randall.luskey@usdoj.gov

8 Attorneys for the United States

10 UNITED STATES MAGISTRATE COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,) No. 4-11-71409 MAG
14 Plaintiff,) ORDER AND STIPULATION FOR
15 v.) CONTINUANCE FROM MAY 21, 2012
16 SALENA MARIE SILVA,) TO AUGUST 24, 2012 AND EXCLUDING
17 Defendant.) TIME FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A)) AND WAIVING TIME
LIMITS UNDER RULE 5.1

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19 The parties appeared before Magistrate Judge Donna M. Ryu on March 12, 2012 and set
20 a preliminary hearing date of May 21, 2012. The parties now believe it is in their best interests
21 to postpone the preliminary hearing date to August 24, 2012. With the agreement of the parties,
22 and with the consent of the defendant, the Court enters this order scheduling an arraignment or
23 preliminary hearing date of August 24, 2012 at 9:30 a.m. before the duty magistrate judge, and
24 documenting the defendant's waiver of the preliminary hearing date under Federal Rule of
25 Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. §
26 3161(b), from May 21, 2012 to August 24, 2012. The parties agree, and the Court finds and
27 holds, as follows:

28 1. The defendant has been released on a bond.

1 2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §
2 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into
3 account the exercise of due diligence.

4 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for
5 preliminary hearing.

6 4. Counsel for the defense believes that postponing the preliminary hearing is in her
7 client's best interest, and that it is not in his client's interest for the United States to indict the
8 case during the normal timeline established in Rule 5.1.

9 5. The Court finds that, taking into the account the public interest in the prompt
10 disposition of criminal cases, these grounds are good cause for extending the time limits for a
11 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,
12 the Court finds that the ends of justice served by excluding the period from May 21, 2012 to
13 August 24, 2012, outweigh the best interest of the public and the defendant in a speedy trial. 18
14 U.S.C. § 3161(h)(8)(A).

15 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
16 hearing date before the duty magistrate judge on August 24, 2012 at 9:30 a.m., and (2) orders
17 that the period from May 21, 2012 to August 24, 2012, be excluded from the time period for
18 preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act

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1 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

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3 IT IS SO STIPULATED:

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5 DATED: May 18, 2012

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/s/
JOYCE LEAVITT
Attorney for Defendant

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8 DATED: May 18, 2012

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/s/
RANDY S. LUSKEY
Assistant United States Attorney

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11 IT IS SO ORDERED.

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13 DATED: 5/18/2012

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HON. DONNA M. RYU
United States Magistrate Judge